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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-second session

Summary record (partial)* of the 278th meeting
Held at the Palais des Nations, Geneva, on Thursday, 16 April 2015, at 10 a.m.

Chairperson: Mr. Carrión Mena

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* No summary record was prepared for the rest of the meeting.

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The discussion covered in the summary record began at 11.10 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Initial report of Uganda (continued) (CMW/C/UGA/1; CMW/C/UGA/QPR/1)

1. *At the invitation of the Chairperson, the delegation of Uganda took places at the Committee table.*

2. **Mr. Madada Kyebakoze** (Uganda) said that his absence the previous day had been due to transport problems, and he apologized for having been unable to attend the 277th meeting. The Ministry of Gender, Labour and Social Development, which he represented, had recently been affected by a cabinet reshuffle and many of its ministers were of very recent appointment.

3. He did not have statistics regarding numbers of migrant workers, because his technical staff had been unable to accompany him due to visa problems. The dynamics of migratory flows reflected political and socioeconomic circumstances. Until the mid-1980s many migrants had left Uganda due to political instability; since then they had tended to do so for economic reasons. Most Ugandan migrant workers went to neighbouring countries, crossing the border directly into Kenya or Rwanda. Destinations for skilled workers included the United Kingdom of Great Britain and Northern Ireland.

4. Ugandan consulates were active in the implementation of the Convention. Migrant workers could apply to consular offices for help on practical issues ranging from information about the host country to assistance in the case of lost documents. The consulates also relayed relevant information back to the Ministry of Foreign Affairs in Uganda.

5. Mechanisms were in place to inform migrant workers of their rights under the Convention. They included annual ministerial statements, advertisements in the media and pre-departure training sessions and workshops for the workers themselves. The training was organized by recruitment agencies and often attended by ministerial labour inspectors. Apart from the training, another aspect of the role of recruitment agencies was that of identifying employment opportunities and acting as intermediaries. The agencies themselves were regulated by law. Under Statutory Instrument No. 62 on Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations of 2005, agencies had to ensure that migrant workers received a written copy of the terms and conditions of their employment before they departed. Agencies were also required to communicate information on migrant workers to the relevant ministry; if they failed to do so, they risked having their licences revoked.

6. He needed to verify the numbers of health workers recruited to be sent to Trinidad and Tobago, but believed that the figures in the Committee's possession were incorrect. The Anti-Homosexuality Act no longer existed, having been annulled by the Constitutional Court. He was not aware of any cases of collective expulsion from Uganda. Under no circumstances did the law tolerate torture and violence or corruption and extortion by the authorities, against migrant workers or anyone else.

7. Interministerial committees were part of the structure of Government in Uganda and constituted the mechanism through which ministries consulted with one another in order to form public policy. As was the case in other developing countries, the gathering of statistics was a matter of concern in Uganda. To address that situation, the State had recently introduced a national ID registration initiative.

8. Uganda had launched a primary health-care campaign, preventative rather than curative in nature and focusing on such fields as immunization. It had produced positive

results in terms of life expectancy, which had increased from around 48 years in 1986 to 54 years at the time of reporting. The Government was giving priority to basic infrastructure such as electricity and roads, a move which would attract investment and create jobs.

Education in Uganda was open to everyone, including migrant workers. Legislation to combat child labour had been promulgated with an emphasis on keeping children in education. An amendment to the Children Act was before Parliament and campaigns were taking place to raise awareness among stakeholders about the dangers of child labour, also by using traditional methods of communication such as dance and drama.

9. Equality and the right to decent work were enshrined in the Constitution and in that respect migrant workers had the same rights before the law as Ugandan citizens. Under the Labour Unions Act, migrant workers also had the right to join trade unions and to participate in meetings. The Government was seeking to develop a decent work agenda; it had passed a law on occupational health and safety and instituted a policy regarding HIV/AIDS in the workplace. He foresaw that many Ugandans would take advantage of the East African Community Common Market Protocol on the free movement of persons and of workers, but it was still too early to assess its impact on migration.

10. Uganda implemented the Convention by incorporating its provisions in national law. For example, the current law on disability matters was to be amended to include the right of employment for persons with disabilities, including migrant workers. The judiciary received training in the Convention through workshops. Gathering data about remittances was problematic, especially because many migrant workers did not use established channels. He asked the Committee to give him more time to respond to questions about the involvement of civil society in the preparation of the State party report and about the profile of female Ugandan migrant workers. Apart from the fact that it was no longer required to register citizens, the functions of the Directorate of Citizenship and Immigration Control remained unaltered by recent changes to the law.

11. **Mr. Onyanga Aparr** (Uganda) said that Uganda had three consular missions for migrant workers in the Middle East: in Saudi Arabia, Iran and the United Arab Emirates.

12. **Mr. Madada Kyebakoze** (Uganda) said that training was available for migrant workers returning to Uganda in order to help with their reintegration; however, unemployment remained a challenge. The Government was implementing an action plan to combat child labour, which focused on ensuring that children remained in school, raising awareness about the issue and helping child workers to return to school. The Ministry of Gender, Labour and Social Development had recently created a department for culture and family affairs, which promoted the importance of the family unit for socioeconomic development. Family Day was also celebrated nationally to raise awareness in that regard. Statistics on numbers of returning Ugandan migrant workers would be provided at a later date.

13. Replying to the question about which aspects of the Convention were being prioritized, he said that the equal treatment of all migrant workers was a primary focus. The State party was working to guarantee fundamental rights such as freedom of expression and access to information for all. In that connection, it had established the Access to Information Act. Measures were being taken to ensure decent work; however, the minimum wage remained a significant problem.

14. **Mr. Onyanga Aparr** (Uganda) said that consular offices collaborated with some civil society organizations when it was considered necessary to do so.

15. **Mr. Madada Kyebakoze** (Uganda) said that the State party had a number of agreements with countries in the East African Community and had also initiated discussions on bilateral agreements with Middle Eastern States. The Government was working to create an environment that was conducive to the protection of the rights of

migrant workers, namely by ensuring security in the country. He confirmed that migrant workers were able to transfer their earnings to their country of origin and join trade unions. The Government was currently enhancing its social security regime to eliminate existing limitations, in particular with regard to State pensions.

16. **Mr. Onyanga Aparr** (Uganda) said that the figure cited relating to child night commuters reflected the situation prior to the end of the conflict between the Ugandan Government and the Lord's Resistance Army and was no longer relevant.

17. **Mr. Madada Kyebakoze** (Uganda) said that the courts had ruled against the Anti-Homosexuality Act. It was not yet possible for migrant workers abroad to vote in elections but that issue was being addressed. As far as the application of the Convention in regions of instability was concerned, its provisions were implemented in areas of the country where the law prevailed.

18. **Mr. Taghizadeh** said that he wished to know whether the State party intended to remove its reservation relating to article 18, paragraph 3 (d), of the Convention on the right to free legal assistance for migrant workers and their families. More precise information on the number of Ugandan migrant workers abroad was required. For instance, how were their rights, in particular the right to participate in elections, guaranteed? Lastly, further information on measures to prevent child labour, specifically with regard to the children of migrant workers in Uganda, would be appreciated.

19. **Mr. Brillantes** asked whether the State party was considering recognizing the competency of the Committee under articles 76 and 77 of the Convention. He also asked whether it intended to ratify the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Domestic Workers Convention, 2011 (No. 189) and the Protocol to prevent, suppress and punish trafficking in persons, especially women and children and Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

20. He invited the delegation to give specific examples of how non-discrimination with respect to the rights of migrants was observed. He asked what measures the Government had adopted to prevent child migrant forced labour, particularly in the areas of agriculture, fishing, mining and brickmaking and to ensure that all migrant workers and members of their families, including those with an irregular status, had adequate access to basic services and emergency medical care.

21. The delegation should provide detailed information relating to migrant workers and members of their families held in detention and the State party's implementation of the right to equality before the courts. The delegation should also provide information on the human and financial resources dedicated to detecting and eliminating trafficking and smuggling in persons as well as statistics relating to convictions, victims and related support services and awareness-raising campaigns.

22. **Mr. Pime** said that he would welcome more information on the regulation of private employment agencies, some of which were reported to have been involved in trafficking in persons and exploitation.

23. **Mr. Nuñez-Melgar Maguiña** said that his questions from the previous meeting had only been partially answered. He wished to know which aspects of the Convention were given priority in terms of implementation and which could not be implemented. He also wished to know what measures, including consular assistance, were in place in border areas to protect the interests of migrant workers; and whether the State party had bilateral agreements with neighbouring countries that had the highest rates of Ugandan migration to address the issue of trafficking in persons, especially women and children.

24. **The Chairperson**, speaking as a member of the Committee, asked whether measures were being taken to ensure the application of the Convention in areas of conflict and instability, such as the border with Sudan. Was it possible to ensure the application of the instrument in such areas?

The meeting was suspended at 12.05 p.m. and resumed at 12.30 p.m.

25. **Mr. Madada Kyebakoze** (Uganda) said that private employment agencies were subject to the requirements of the Statutory Instrument No. 62, which governed the manner in which Ugandan migrant workers could be employed abroad. Various administrative obligations had to be satisfied, such as substantiating the company's liquidity, ensuring compliance with legal requirements and registering the company with the office of the relevant State minister. Any agency that had breached the regulations could have its licence to operate revoked, as had happened recently.

26. Uganda had begun working towards ratifying several international conventions, including the ILO Migration for Employment Convention (Revised), 1949 (No. 97). Further consultation with government agents and other stakeholders would be required before a definitive answer could be provided on whether the State party would withdraw its reservation to article 18, paragraph 3 (d).

27. The Government had implemented targeted policies on the issue of forced child labour, had drawn up a National List of Hazardous Child Labour and had drafted guidelines and definitions for labour inspectors on how to identify such practices. Certain agricultural activities had often been undertaken by children and were not necessarily considered to be harmful or hazardous in Uganda; however, labour inspectors visited those enterprises to ensure that they were in compliance with the regulations.

28. In post-conflict areas, such as the border with South Sudan, the Government had launched reconstruction programmes and a broad cross section of projects to support the local population and provide access to basic utilities and other services. Various affirmative action initiatives for migrant workers and other marginalized groups, including women, children and people with disabilities, had also been launched, including government-backed education scholarships to ensure that children had the right to education and were not vulnerable to forced child labour.

29. Regarding the priority placed on certain aspects of the Convention, he said that a law on the trafficking of persons had been enacted and an interministerial committee made up of representatives from the various government ministries, as well as other public officials and relevant stakeholders, had been set up to monitor the issues affecting migrant workers. Basic health-care and social security services remained a major challenge for the entire Ugandan population and were therefore not an issue that had affected only migrant workers. As a developing nation, the Government had accorded priority to improving infrastructure, education and the economy. While some health-care services had been restored, major investment was sorely needed.

30. **Mr. Brillantes** said that the efforts and candour of the delegation in spite of the travel difficulties, the obvious time constraints and the limited data available, as well as the determination and desire shown by the State party to participate in the reporting process were commendable. However, many of the questions prepared by the Committee members had either not been answered or insufficient information had been provided. It had not been fully explained, for example, why civil society organizations had not been involved in the drafting of the current report.

31. **Mr. Taghizadeh** said it was to be hoped that, in time, the State party would withdraw its reservation to article 18, paragraph 3 (d), of the Convention, and that the issues discussed during the consideration of the report would be of assistance to the

Government when it came to developing appropriate and practical strategies, harmonizing legislation with the Convention and achieving progress in relation to the rights of migrant workers and their families.

32. **The Chairperson** said that States parties had an obligation to ensure that delegations attended treaty body meetings and he wished to know why visas had not been granted in time for the rest of the delegation. The Committee looked forward to receiving the information that remained outstanding from the State party as soon as possible.

33. **Mr. Madada Kyebakoze** (Uganda) expressed his gratitude to the Committee for their understanding of the delegation's difficulties and for the opportunity to take part in the useful dialogue. He concluded by saying that migrant workers were crucial to the development of Uganda and that the suggestions made and concerns raised during the dialogue with the Committee would be circulated and given serious consideration. Every effort would be made to provide an answer forthwith on the issue of removing the reservation to article 18, paragraph 3 (d), of the Convention.

The meeting rose at 1.05 p.m.